



Meeting 12 - ok as
drafted (one minor change
noted).

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
CN 402, TRENTON, N.J. 08625

Berry's Creek Technical Advisory Group
Minutes
November 19, 1985

The eleventh meeting of TAG took place at the DEP Offices in Trenton. The following people were in attendance: George Harvell, Art Slesinger, Joe Maher, Fred Ziegler, Dick Lee, Paul Galluzzi, Richard Dime, Oksana Yaremko, Larry Schmidt, Robin Burr and Thomas Burke. The minutes of the TAG meeting were approved with three minor corrections. The first correction strikes "and WES doing field verification" from item #1 in the third paragraph of page 1. The second correction strikes "at a 50-50 ratio" from item #5 on the top of page 2. The final correction is from the first full paragraph on page 2. It should read that Paul Galluzzi estimated the cost of collection and transporting the samples to be in the vicinity of \$12,500.

Mr. Schmidt introduced Robin Burr of the US Fish and Wildlife Service as an observer to TAG. Mr. Burr briefly described his interest in the Berry's Creek clean-up. He has been assigned responsibility to review "Superfund" projects for natural resource claims which could be instituted by the Department of the Interior. Mr. Burr noted that the Department of the Interior has authority to seek restitution from responsible parties if it was determined that hazardous waste discharges resulted in death to migratory fish and wildlife resources. He further indicated that he has reviewed the Universal Oil Products case, the Scientific Chemical Processing case, and the Ventron case. The reviews by the Fish and Wildlife Service are of a preliminary nature. Mr. Burr indicated that he will wait until the RI/FS process has been completed in order to gain a further insight into the possibility of natural resources damages.

Robin Burr noted that the US Fish and Wildlife Service could possibly join with the SAC/TAG in our research effort to look for parameters other than mercury. His office has \$30,000 available for the States of New Jersey and Pennsylvania for research. Robin has tentatively earmarked \$2,600 for preliminary sampling of sediments for 4-5 parameters in the Berry's Creek drainage basin.



TAG's first agenda item summarized the meeting held with Dr. Gombrell and his associates at LSU. Art Slesinger offered the comment that the LSU people appear to be competent but the lab facilities are marginal. By that he meant that the labs were too cramped and the operation appeared to be less than neat and efficient. However, the group agreed that most of the technical questions posed in Joe Maher's letter of October 28 and those raised at the TAG meeting in New Orleans were adequately addressed by the LSU researchers.

TAG members proceeded into a discussion of the integration of the LSU and WES research. The group agreed that LSU should run the Eh/pH/salinity studies first so that the WES researchers will know what to expect in the aquaria studies. It was estimated that there could be a 4-5 week lag at WES in order for the first set of results to come from LSU.

Dr. Dick Lee made a presentation on the timing and cost of the WES/LSU research. He distributed handouts on the activity schedule and cost breakdowns. After Dick Lee's explanation, the group discussed the time necessary for reviewing at various stages of research, the need to coordinate Fred Ziegler's proposed critical path with Dick Lee's activity schedule and the phasing of payments and progress reports.

The TAG discussion summarized the cost of the research as follows: WES contract \$147,000, LSU contract \$222,500, HMDC contract \$12,500 and various supplements to the WES/LSU contract of up to \$143,000. The total estimated cost of the research, excluding the work necessary to address the role of the marshes, added up to \$525,500.

TAG then reviewed the five supplements to the base WES/LSU contract and recommended approval of Supplements I, III, IV and V. Supplement I would require an additional \$31,000 for a second species to be added to the bioavailability studies. It was agreed that the second species would be a filter feeder. TAG decided not to recommend Supplement II. Therefore, the bioaccumulation analysis would be performed utilizing a "whole body" for analysis of the test organisms. TAG agreed to Supplements III, IV, and V for budget purposes only. If the contracts were awarded, final decision-making on adding those Supplements would take place at a later date. Supplement III involves the additional analysis of metals on two species with a cost increase of \$19,000 over the base. Supplement IV would add \$29,000 for the analysis of two additional metals on two test species. Finally, TAG recommended an additional two compounds on two species in Supplement V. The cost estimate for this work is \$64,000.

At this point in the meeting, Dr. Lee left to catch a plane back to Vicksburg.

The group continued its discussion on the adequacy of the WES/LSU proposals. Art, Fred, and Rich agreed that the proposals were technically adequate and complete. Fred Ziegler felt that the researchers were the best available to perform the two studies. Art noted that no one is "reinventing the wheel" on the research methods, which in his opinion, is good. Both Art and Paul felt the research was too expensive. Art stated that conceptually, it was too costly. However, he could not challenge the individual numbers. Joe Maher indicated that he needed unit prices per sample along with the number of QA samples and the total number of samples so as to get a handle on the cost per analysis. TAG members concluded the discussion by generally agreeing that the research of WES and LSU was acceptable for the purpose of meeting the RI/FS's research objectives.

The discussion turned to the last research question, the role of the marshes. Paul Galluzzi led this discussion by indicating that HMDC zoning may permit a significant portion of Berry's Creek marshes to be filled. He again felt that construction impacts should be addressed as part of the research program but questioned whether or not those impacts could be measured in the marshes as they now exist. The additional variables of water quality improvements and flood control measures also will have an impact on the marsh research. The TAG's discussion moved from the research question to the usefulness of analyzing marsh sediment by various horizons to answer the question of mercury isolation from biological interaction. Lead by Art Slesinger, the group agreed that the role of the marshes could be determined by field sampling utilizing the analysis of core borings and groundwater monitoring in the marshes. TAG members felt that they did not need a separate research program at this time to address the question and that the RI/FS should proceed into Task III. TAG members agreed that the Fall of 1986 would be a good time to start with the coring program in the marshes. Art Slesinger felt that the research work of WES/LSU would help the TAG by providing feedback and improving the TAG's knowledge of the Berry's Creek system as we proceeded into Task III.

TAG conceptualized a schedule that would complete the RFP and contracting in the Spring 1986. The contractor would have the Summer to gear up for the field sampling program by familiarizing himself with Task I reports. This could be done in coordination with the LSU/WES research interim findings. The actual field sampling would take place in the Fall of 1986 and extend through the Summer of 1987. The final report for Task III would be delivered in January 1988. The contractor could then proceed to Tasks VII & VIII during the remainder of 1988.

Spring of 86

Fred Ziegler followed with a presentation involving his revisions to the current cost estimate. The new estimate showed major cost increases in Task I (plus \$75,000), Task III (plus \$141,000), Task IV (plus \$470,000), Task VII (plus \$200,000). Fred cautioned that the new estimates are his "best guess" at this time and should be subject to further scrutiny by TAG. The original estimate of total cost developed by Fred was approximately \$1 million. The number used in the Stipulation and Supplemental Order was approximately \$1.2 million. TAG members reluctantly agreed that the best present cost estimate could be in the vicinity of \$1.9 - \$2.1 million.

Art Slesinger reminded the TAG members of the procedure in the Stipulation and Supplemental Order that was necessary to modify the cap on total project cost. He read Section C(8) as follows: "If necessary in order to satisfy the requirements of paragraph C(4) above, the Committee may authorize and Velsicol and Ventron shall expend for eligible costs a total amount not to exceed \$1,210,000. In the event the Committee determines, notwithstanding its best efforts, that eligible costs will exceed the foregoing limit, it will prepare a report which shall:

- a. Detail eligible costs obligated or expended to date.
- b. Explain the reasons for the cost overrun.
- c. Specify such additional eligible costs as are necessary to complete the project.

Such reports shall be provided to each party and filed with the Court. If the parties agree that such additional eligible costs are necessary and proper, they shall file with the Court an appropriate modification to this Supplementary Order. In the event of a disagreement among the parties, any party may petition the Court for such relief as may be appropriate."

As the meeting drew to a close, Larry Schmidt requested TAG members to act on a series of recommendations for the November 20 SAC meeting. TAG proceeded to discuss and finally adopt three resolutions as its formal recommendations to SAC. Resolutions 2 & 3 were acted upon first and Resolution 1 was acted upon after Tom Burke joined the meeting to represent TAG member Hank Garie. The three resolutions are as follows:

Resolution 1

Whereas, four areas of research appear in Exhibit B of the Supplemental Order

Whereas, the four areas of research have been investigated by the TAG

Whereas, TAG has identified expert researchers in the field of environmental chemistry

Whereas, TAG has solicited and critically reviewed research proposals on the research questions dealing with bioaccumulation and methylation

Whereas, TAG has found the proposals consistent with the research goals in the Stipulation and Supplemental Order

Whereas, the cost of the proposed research, estimated at \$526,000, is deemed appropriate

Therefore, it is the recommendation of TAG that research contracts be awarded to the Waterways Experiment Station of the Corps of Engineers for the work described in the two research proposals submitted by WES and dated November 13, 1985.

Resolution offered by: Paul Galluzzi

Resolution seconded by: Richard Dime

Resolution passed 5-0 with one abstention

Votes in the affirmative: Paul Galluzzi
Richard Dime
Thomas Burke (for Hank Garie)
Arthur Slesinger*
George Harvell

Abstention: Oksana Yaremko

*Arthur Slesinger voted in the affirmative with a stipulation that SAC address the issue of the total cost of all tasks in the Cooperative Agreement and that any increases in cost comply with the provisions of Section C.8 of the Stipulation and Supplementary Order Approving Cooperative Agreement.

Resolution 2

It is the recommendation of TAG that the area of research involving the role of the marshes be addressed during the field sampling program specified in Task III. Also a specific research project is not deemed appropriate at this time.

Resolution offered by: Paul Galluzzi

Resolution seconded by: Arthur Slesinger

Resolution passed 6-0

Resolution 3

TAG recognizes that the research projects to be conducted under contract to WES will take two years to complete. In order to take full advantage of the interim outputs of the research, TAG recommends that the prime contractor responsible for conducting the RI/FS be awarded a contract by mid-1986 or earlier so as to

commence with field sampling in the Autumn to early Winter period of 1986.

Resolution offered by: Arthur Slesinger
Resolution seconded by: Oksana Yaremko

Resolution passed 6-0

The meeting ended at approximately 5:30PM with most of the members staying in Trenton for the SAC meeting on the following day.